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PROTOCOL BETWEEN
THE DEPARTMENT OF ENERGY
OF THE
UNITED STATES OF AMERICA
AND
THE STATE SCIENCE AND TECHNOLOGY COMMISSION
OF THE
PEOPLE'S REPUBLIC OF CHINA
ON COOPERATION IN THE FIELDS OF
NUCLEAR PHYSICS AND CONTROLLED MAGNETIC FUSION RESEARCH

The Department of Energy of the United States of America and the State Science and Technology Commission of the People's Republic of China (hereinafter referred to as the Parties), for the purpose of promoting cooperation in the fields of Nuclear Physics and Controlled Magnetic Fusion Research, and, according to the Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology, signed in Washington, D.C., on January 31, 1979, have agreed as follows:

Article 1

The Parties agree, on the basis of equality, reciprocity and mutual benefit, to cooperate with each other in promoting each other's programs in Nuclear Physics and Controlled Magnetic Fusion.

Article 2

Cooperation under this Protocol may take the following forms:

1. Exchange and provision of information and data on scientific and technical development, activities and practices in the fields of nuclear physics and controlled magnetic fusion;
2. Research and development activities in the forms of experiments, tests, and other technical collaborative activities;
3. Exchange of scientists, engineers, and other specialists to the facilities of the other Party for visits or short-term work;
4. Exchange and provision of samples, materials, instruments, and components for scientific research;
5. Such other forms of cooperation as are mutually agreed.

Article 3

The Parties shall encourage and facilitate contacts, cooperation and specific cooperative activities between universities, research institutions and scientists of the two countries.

Article 4

A Working Group shall be set up to coordinate the activities stipulated under this Protocol and its Annexes. Each Party shall designate three persons to be members of the Working Group, one as Co-Chairperson for overall coordination, one as Coordinator for Nuclear Physics and one as Coordinator for Controlled Magnetic Fusion. The Coordinators shall, by correspondence, consult with each other and define the cooperative activities and other relevant matters. When necessary, a meeting may be called by mutual agreement to consider matters related to the implementation of this Protocol.

Article 5

The specific tasks, obligations, and conditions, with respect to the stipulated activities of this Protocol and its Annexes, including responsibility for the payment of costs, shall be decided through mutual agreement by the Parties on a case-by-case basis.

The specific cooperative activities, as mutually agreed, shall be embodied in Annexes to this Protocol. The specific arrangements, including financial arrangements for these activities, shall be confirmed by correspondence between Coordinators or their representatives.

Article 6

All activities stipulated under this Protocol and its Annexes shall be conducted under the guidance of the US-PRC Joint Commission on Scientific and Technological Cooperation.

Article 7

The application or use of any information exchanged or transmitted between the Parties under this Protocol shall be the responsibility of the Party receiving it, and the transmitting Party does not warrant the suitability of such information for any particular use or application.

Article 8

The Parties agree to reach an accord concerning protection of copyrights and treatment of inventions or discoveries made or conceived under this Protocol in order to undertake specific activities. Such accord shall be made as an Annex to this Protocol.

Article 9

The Parties agree that in the event equipment is to be exchanged or supplied by one Party to the other Party for use in cooperative activities, they shall enter into specific understandings on a case-by-case basis.

Article 10

1. Whenever an attachment of staff is contemplated under this Protocol, both Parties shall be satisfied that only staff with necessary skills and competence are selected.

2. Each attachment of staff shall be made through an exchange of letters between the participating institutions concerning funding and other relevant matters not specified in this Protocol.

3. Each Party shall provide all necessary assistance to the attached staff (and their families) of the other party as regards administrative formalities, travel arrangements and accommodations.

Article 11

All cooperative activities under this Protocol shall be subject to the availability of funds and personnel and to the laws and regulations of the respective countries.

Article 12

1. All issues related to this Protocol or occurring in the activities carried out hereunder shall be settled by agreement of the Parties.

2. Each Party will accept liability to the extent authorized by its national laws and regulations for damages arising from cooperative activities under this Protocol.

Article 13

1. This Protocol shall enter into force upon signature, and, unless terminated earlier in accordance with paragraph 2 of this Article, shall remain in force for a five-year period. It may be amended or extended by mutual written agreement of the Parties.

2. This Protocol may be terminated at any time at the discretion of either Party, upon six months advance notification in writing by the Party seeking to terminate the Protocol.

3. The termination of this Protocol shall not affect the validity or duration of the specific activities initiated but uncompleted under this Protocol.

Done at Beijing, on the Eleventh day of May of 1983, in duplicate in the English and Chinese languages, both equally authentic.

Ch. W. Irwin

For the
Department of Energy
of the
United States of America

賈蔚文

For the
State Science and
Technology Commission
of the
People's Republic of China



Department of Energy

Washington, DC 20585

January 28, 1999

Mr. Jin Xiaoming
Deputy Director-General
Department of International Cooperation
Ministry of Science and Technology
15B Fu Xing Road
Beijing 100862
China

Dear Mr. Jin:

I am writing to you to seek your approval to amend the Protocol between the Department of Energy of the United States of America and the State Science and Technology Commission of the People's Republic of China on Cooperation in the Fields of Nuclear Physics and Controlled Magnetic Fusion Research, signed the Eleventh day of May of 1983.

We understand that the functions of the State Science and Technology Commission have been transferred to the Ministry of Science and Technology of the People's Republic of China, as of March, 1998. With respect to the Protocol, we hereby propose that the Department of Energy and the Ministry of Science and Technology agree that the Ministry of Science and Technology confirms and assumes the rights and obligations of the State Science and Technology Commission under the Protocol; and

In light of the foregoing, I would propose amending the Protocol to reflect the transfer of rights and obligations under this instrument, from the former State Science and Technology Commission to the Ministry of Science and Technology.

If the foregoing is acceptable to you, please signify your acceptance by signing your name and dating this letter below, and returning a copy of this letter to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Price", is written over a horizontal line.

Robert S. Price
Acting Deputy Assistant Secretary
Office of Science and Technology Policy
and Cooperation

A handwritten signature in black ink, appearing to be in Chinese characters, is written over a horizontal line.

Date:

01/02/99



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